

37 CFR §1.56(a) and (b)
DUTY TO DISCLOSE INFORMATION MATERIAL
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.*

*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."



RULE 63 (37 CFR § 1.63)
COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "INTERROGATION DEVICE AND METHOD FOR SCANNING," the specification of which is identified as Attorney File No. 2927-55.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>

None.

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented. pending. abandoned</u>
10/114,875	April 2, 2002	pending

POWER OF ATTORNEY

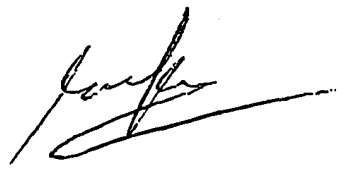
As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) with full powers of substitution, association and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

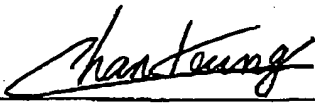
SHERIDAN ROSS P.C.

1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
Telephone: (303) 863-9700
Fax: (303) 863-0223

David F. Zinger	Registration No. 29,127
Craig C. Groseth	Registration No. 31,713
Sabrina C. Stavish	Registration No. 33,374
Todd P. Blakely	Registration No. 31,328
Lewis D. Hansen	Registration No. 35,536
Joseph E. Kovarik	Registration No. 33,005
Gary J. Connell	Registration No. 32,020
Douglas W. Swartz	Registration No. 37,739
Bruce A. Kugler	Registration No. 38,942
Robert R. Brunelli	Registration No. 39,617
Brent P. Johnson	Registration No. 38,031
Dana Hartje Cardwell	Registration No. 40,638
Angela Dallas Sebor	Registration No. 42,460
Benjamin B. Lieb	Registration No. 42,801
Bradley M. Knepper	Registration No. 44,189
Miriam Drickman Trudell	Registration No. 42,499
Dennis J. Dupray	Registration No. 46,299
Kenneth C. Winterton	Registration No. 48,040
Robert D. Traver	Registration No. 47,999
Mark L. Yaskanin	Registration No. 45,246
Scott R. Bialecki	Registration No. 51,470
Christopher J. Hussin	Registration No. 51,829
Craig W. Mueller	Registration No. 52,055
Mary B. Smith	Registration No. 43,512

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



1) Inventor's Signature  Date AUGUST 4, 2003

Inventor's Name (typed): Vincent K. Chan

Citizenship: Hong Kong

Residence: 9405 Knighton Road
Woodbury, Minnesota 55125
Hong Kong

Post Office Address*: Same as Residence

*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

2) Inventor's Signature _____ Date _____

Inventor's Name (typed): Ezequiel Mejia

Citizenship: Canada

Residence: 6054 Kalen Drive
Woodbury, Minnesota 55125
Canada

Post Office Address*: Same as Residence

*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

1) Inventor's Signature _____ Date _____

Inventor's Name (typed): Vincent K. Chan

Citizenship: Hong Kong

Residence: 9405 Knighton Road
Woodbury, Minnesota 55125
Hong Kong

Post Office Address*: Same as Residence

*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

2) Inventor's Signature _____

Date July 3/2003

Inventor's Name (typed): Ezequiel Mejia

Citizenship: Canada

Residence: 6054 Kalen Drive
Woodbury, Minnesota 55125
Canada

Post Office Address*: Same as Residence

*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."